

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRANSMITTAL FORM



Applicant(s): Frank R. Chiappetta

Serial No.: 10/733,121

Filed: December 11, 2003

For: HAND HELD BLENDER

Art Unit: 1723

Examiner: Not Yet Assigned

Confirmation No.: 7885

Customer No.: 27623

Attorney Docket No.: 893.0012USU

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are enclosing:

1. Petition Under 37 C.F.R. §1.182;
2. Statement of Facts to Accompany Petition Under 37 C.F.R. §1.182 signed by Joanne Romaniello;
3. Statement of Facts to Accompany Petition Under 37 C.F.R. §1.182 signed by Keysha Whitaker;
4. Copy of Notice to File Missing Parts dated March 19, 2004 and facsimile cover sheet;
5. Copy of return receipt post card stamped by the Office of Initial Patent Examination on October 21, 2004;
6. Check for \$130.00; and
7. Transmittal letter in duplicate.

Please charge any additional fees or credit any such fees, if necessary to Deposit Account No. 50-1239 in the name of Conair Corporation. A duplicate copy of this sheet is attached.

Respectfully submitted

Charles N.J. Ruggiero
Reg. No. 28,468
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, Connecticut 06901-2682
(203) 327-4500

Date: February 7, 2005

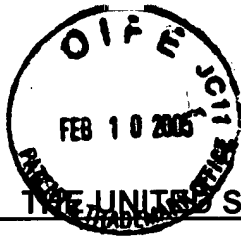
CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON FEBRUARY 7, 2005.

Keysha Whitaker
NAME

SIGNATURE

2-7-05
DATE



1FW
DAE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank R. Chiappetta

Serial No. : 10/733,121

For: HAND HELD BLENDER

Filed: December 11, 2003

Examiner: Not Yet Assigned

Art Unit: 1723

Confirmation No. : 7885

Customer No. : 27,623

Attorney Docket No.: 893.0012USD

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.182

Dear Sir:

Applicant, Frank R. Chiappetta, hereby petitions for a refund of a five-month extension fee paid in conjunction with the submission of a Declaration in response to a Notice of Missing Parts (the "Notice") dated March 19, 2004. The Notice was not received by Applicant's representatives until October 19, 2004, seven months after the mailing date indicated on the Notice. The Declaration was submitted on October 19, 2004, upon receipt of the Notice. The submission also included a petition for a five-month extension of time authorizing payment of the extension fee via Deposit Account No. 50-1239. This delay in receipt of the Notice by the Applicant's representatives was not due to any fault of the Applicant or the Applicant's representatives.

02/11/2005 HALI11 00000012 501239 10733121

01 FC:1462 270.00 DA 130.00 OP

A Statement of Facts by Joanne Romaniello and a Statement of Facts by Keysha N. Whitaker is attached. Ms. Romaniello and Ms. Whitaker both have personal knowledge that the Notice was not received by Applicant's representatives prior to October 19, 2004, seven months after the mailing date indicated on the Notice.

A copy of the Notice and a facsimile cover sheet is attached, showing that the Notice was provided to Applicant's representatives on October 19, 2004. A copy of the Declaration submitted on October 19, 2004, and the stamped post card showing receipt of the Declaration by the U.S. Patent & Trademark Office, are also attached.

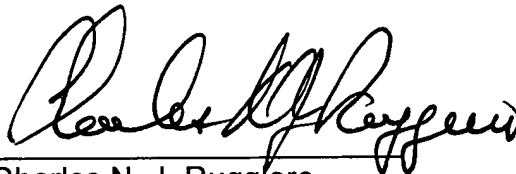
The petition fee of \$130.00, set forth in 37 CFR 1.17(h), is also enclosed.

Applicant respectfully requests that Deposit Account No. 50-1239 be reimbursed in the amount of \$2,080.00, the amount authorized to be charged for a five-month extension of time.

Respectfully submitted,

Date:

February 7, 2005



Charles N. J. Ruggiero
Reg. No. 28,468
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank R. Chiappetta
Serial No. : 10/733,121
For: HAND HELD BLENDER
Filed: December 11, 2003
Examiner: Not Yet Assigned
Art Unit: 1723
Confirmation No. : 7885
Customer No. : 27,623

Attorney Docket No.: 893.0012USD

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF FACTS TO ACCOMPANY PETITION UNDER 37 CFR 1.182

Dear Sir:

I, Joanne A. Romaniello, state that:

1) I am the head paralegal employed by the law firm of Ohlandt, Greeley, Ruggiero & Perle, L.L.P., located at One Landmark Square, Stamford, Connecticut 06901.

2) On December 12, 2003, the above application was filed in the U.S. Patent & Trademark Office. On September 14, 2004, our office had not yet received a filing receipt or a Notice of Missing Parts from the U.S. Patent & Trademark Office. On September 14, 2004, I called the Office of Initial Patent Examination ("OIPE") and left a voicemail, in which I informed the OIPE that a filing receipt was never received. A reply to my voicemail was never received.

3) On October 18, 2004, I instructed Keysha N. Whitaker, a paralegal assigned to the Applicant and employed by Ohlandt, Greeley, Ruggiero & Perle, to call the OIPE regarding this matter.

4) I was first made aware that a copy of a Notice to File Missing Parts, dated March 19, 2004, was first received by our office via facsimile on October 19, 2004, seven months after the mailing date of the Notice to File Missing Parts.

5) I am also aware that a Declaration signed by the Applicant was filed with the Patent & Trademark Office on October 19, 2004. A request for an extension of the period for reply of five months was also filed on October 19, 2004 that included an authorization to charge Deposit Account No. 50-1239 in the amount of \$2,080.00, the fee for the five-month extension of time.

6) To my knowledge, the Notice to File Missing Parts was never received by our office. The Declaration and extension fee were filed with the Patent & Trademark Office immediately upon our initial receipt of the Notice to File Missing Parts, and thus the delay in filing the Declaration was due to no fault of the Applicant or the Applicant's representatives.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


Joanne Romaniello

February 7, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank R. Chiappetta
Serial No. : 10/733,121
For: HAND HELD BLENDER
Filed: December 11, 2003
Examiner: Not Yet Assigned
Art Unit: 1723
Confirmation No. : 7885
Customer No. : 27,623

Attorney Docket No.: 893.0012USD

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF FACTS TO ACCOMPANY PETITION UNDER 37 CFR 1.182

Dear Sir:

I, Keysha N. Whitaker, state that:

1) I am a paralegal employed by the law firm of Ohlandt, Greeley, Ruggiero & Perle, located at One Landmark Square, Stamford, Connecticut 06901.

2) I am assigned the above patent application for which power of attorney has been granted to Charles N.J. Ruggiero.

3) On December 12, 2003, the above application was filed in the U.S. Patent and Trademark Office. On October 18, 2004, our office had not yet received a filing receipt or a Notice of Missing Parts from the U.S. Patent & Trademark Office.

4) On September 18, 2004, Joanne Romaniello, head paralegal for Ohlandt, Greeley, Ruggiero & Perle, instructed me to call the Office of Initial Patent Examination ("OIPE"). On October 18, 2004, I called the OIPE and left a voicemail informing the OIPE that neither a filing receipt nor a Notice to File Missing Parts had yet been received.

5) Once again, on October 19, 2004, I called the OIPE and spoke to Tushombe Stokes. She informed me that a Notice of Missing Parts was issued, and that a reply was due on October 19, 2004 with a petition for a five-month extension of time.

6) On October 19, 2004, Ms. Stokes sent via facsimile a copy of a Notice to File Missing Parts, dated March 19, 2004, to our office in response to our telephone conversation. On October 19, 2004, a Declaration signed by the Applicant was promptly filed with the Patent & Trademark Office, along with a request for an extension of the period for reply of five months that included an authorization to charge Deposit Account No. 50-1239 in the amount of \$2,080.00, the fee for the five-month extension of time.

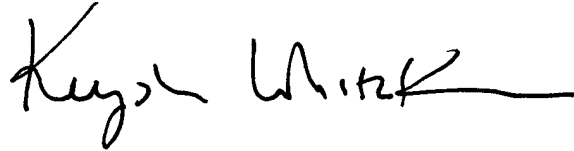
7) The Declaration and extension fee were filed with the Patent & Trademark Office immediately upon our initial receipt on October 19, 2004 of the Notice to File Missing Parts, and thus the delay in filing the Declaration was due to no fault of the Applicant or the Applicant's representatives.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements

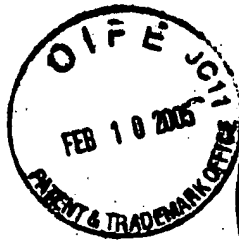
and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

February 7, 2005

A handwritten signature in black ink, appearing to read "Keysha Whitaker", with a long horizontal flourish extending to the right.

Keysha N. Whitaker



Patent Technology Center 1700

Facsimile Transmission

To: Name: Keisha
 Company:
 Fax Number: 2033276401
 Voice Phone:

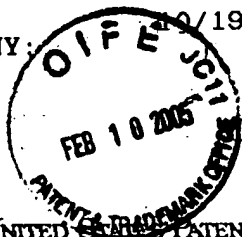
From: Name: Tushombe Stokes
 Official Fax Number: (703) 872-9310
 Official After Final Fax Number: (703) 872-9311
 Voice Phone:

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Date and time of transmission: Tuesday, October 19, 2004 4:47:18 PM

Number of pages including this cover sheet: 03



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/733,121	12/11/2003		893.0012USU

Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

CONFIRMATION NO. 7885

FORMALITIES LETTER



OC00000012140659

Date Mailed: 03/19/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

USPTO
TO: Keisha COMPANY:

12/19/2004 4:54 PM PAGE 3/002 Fax Server

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Application S.N./: 10/733,121 Filed: Dec 11, 2003
Attorney Docket No.: 893.0012 USU

RECEIPT OF TRANSMITTED DOCUMENTS

U.S.P.T.O. MAIL ROOM: Please place the Mail Room Date Stamp on this card to indicate receipt by the U.S. PTO of the paper(s) identified below and return card to sender.

TYPE OF PAPER:

Amendment	Brief	Formal Drawings	Notice of Appeal
Issue/Pub. Fee	Priority Document	Request for Recon.	References (in duplicate)
Certified Copy	Terminal Disclaimer	Certificate of Correction	Req. for Ext. of Time
Preliminary Amendment	<u>Declaration</u>	132 Declaration	<u>Transmittal Letter (in duplicate)</u>
Petition	<u>Missing Parts</u>	<u>Assignment w/rec. Cover Sheet</u>	
Rule 53(d) Cont. (CPA)	Maintenance Fee	Appeal Board's Decision	
___Other: _____			

A check in the amount of \$ _____ (# _____) is also attached hereto.

Mailed Oct. 19, 2004 ☒ COM ☐ COEM # _____

BEST AVAILABLE COPY